

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANNE L. STEWART, on behalf of herself)	
and all others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	
)	
GINO'S EAST RESTAURANT CORP., et al.,)	
)	
Defendants.)	Case No. 07 CV 6340
<hr style="width: 40%; margin-left: 0;"/>)	
BG EAST LLC,)	Judge Coar
)	
Defendant/Third-Party Plaintiff,)	Magistrate Judge Cole
)	
v.)	
)	
DATA WAVE, INC.)	
)	
Third-Party Defendant.)	

NOTICE OF MOTION

To: See attached Service List

YOU ARE HEREBY NOTIFIED that on the 13th day of May, 2008, at 9:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before The Honorable Judge David H. Coar in Courtroom 1419, at the U.S. District Court for the Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois, and then and there present Third Party Defendant, Data Wave, Inc.'s Motion to Dismiss Third Party Complaint pursuant to F.R.C.P. 12(b)(6).

Data Wave, Inc.

By: s/ Charles J. Corrigan
One of its attorneys

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Case No. 07 CV 6340**

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EG Services Corp., and Gino's East Services LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of this Notice of Motion and Motion to Dismiss Third Party Complaint Pursuant to F.R.C.P. 12(b)(6) were served upon the attorneys shown on the Service List, at their addresses of record, via electronic mail and/or U.S. Mail, on May 6, 2008 before 5:00 p.m.

s/ Charles J. Corrigan

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